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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOHNNY LEE HOWZE,

11 Plaintiff,

No. CIV S-08-2283-GGH P

12 vs.

13 SANDERS, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant  
17 to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis. In light of 1996  
18 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in  
19 forma pauperis.

20 The federal venue statute requires that a civil action, other than one based on  
21 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all  
22 defendants reside in the same State, (2) a judicial district in which a substantial part of the events  
23 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject  
24 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is  
25 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

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1 In this case, the defendant(s) are located Los Angeles County and the claim arose  
2 in San Louis Obispo County, which are in the Central District of California. Therefore,  
3 plaintiff's claim should have been filed in the United States District Court for the Central District  
4 of California. In the interest of justice, a federal court may transfer a complaint filed in the  
5 wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918,  
6 932 (D.C. Cir. 1974).

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. This court has not ruled on plaintiff's request to proceed in forma pauperis; and  
9 2. This matter is transferred to the United States District Court for the Central  
10 District of California.

11 DATED: 10/03/08

/s/ Gregory G. Hollows

12 GREGORY G. HOLLOWS  
13 UNITED STATES MAGISTRATE JUDGE

14 GGH:cm  
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